THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26950 of 2005

20.12.2005

Between:

JANGA BIKSHAM, S/o.Buggaiah

… Petitioner

AND

The Mandal Revenue Officer, Thorrur Mandal, Warangal District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26950 of 2005

ORDER:

The petitioner claims to be the owner of the land admeasuring Acs.1.06 gts., in survey No.67 of Somavaram village of Thorrur Mandal in Warangal District. He alleges that without due process of law, the respondents started laying the road across the petitioner's property depriving him of the right to enjoy the property. Therefore, he seeks a writ of Mandamus restraining the respondents from laying the road in the land.

After getting instructions in the matter, the learned Assistant Government Pleader for Revenue (General) submits that some of the ryots of Somavaram village gave a complaint to the first respondent stating that some of the persons have occupied the pathway and that they are not able to go to their agricultural fields to take the harvest to their home. Therefore, the first respondent gave a complaint to P.S.Thorrur requesting to give police protection for demarcating the land and so that paddy crop harvest can be taken by these complainants to their home. Accordingly, the Mandal Revenue Officer has taken up necessary action for fixing the boundary stones of pathway. Learned Assistant Government Pleader has also placed before this Court relevant file and a copy of the village plan.

A perusal of the plan found at page 15 of the file would show that there is a pathway going from south to north across the fields in survey Nos.67, 63 etc. Therefore, the contention of the petitioner that the respondents are laying pathway/road across the land is belied. Learned Assistant Government Pleader submits that the first respondent is also fixing the boundaries of the pathway and no road is being laid. The same is recorded.

The writ petition, for the above reasons, is dismissed as the same is filed without any factual foundation. No costs.

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(**V.V.S.RAO, J**)

December 20, 2005.

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